IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4253 OF 2002
(For condonation of delay)
IN
CRIMINAL APPEAL NO.870 OF 2002

The State of Maharashtra — Applicant
vs.
Sohan @ Rinkal Arjun @ Mohan Gujarati (Rathod) — Respondent (original accused no.2)

Ms.V.R.Bhonsale, APP for the State.

CORAM : R. M. LODHA &
R. S. MOHITE,JJ.

DATED : 14th February 2005

P.C.

On 10th January 2005 we passed the following order:

> . "The criminal appeal is of the year 2002. For more than two years, the respondent has not been served for want of correct address.
>
> 2. We direct the Public Prosecutor to furnish correct and complete address of the respondent within four weeks from today, failing which we may be constrained to dismiss the appeal.
>
> 3. S.O. four weeks."

2. The learned Additional Public Prosecutor submits that despite best efforts, no address of respondent (original accused no.2) could be found. She submits that Mr.S.N.Naik, Assistant Sub-Inspector of Gadhinglaj Police Station, District Kolhapur went to the last known address of the respondent on 4th February 2005, but nobody was found staying there. We are informed by the Additional Public Prosecutor that ASI Naik recorded

statements of some persons from the village-Gulgaon wherein they stated that the respondent has not been seen in the village for more than two years. The learned Additional Public Prosecutor submits that except the address mentioned in the title of this application, nothing further is known about the respondent.

3. From what we have noticed above it is not possible to hold that the respondent ordinarily resides at the address mentioned in the application. In view thereof, it is not possible even to proceed under Section 65 as the address where the respondent ordinarily resides is not known. For more than two years, criminal application is pending for service on the respondent. Time and again the opportunity has been given to the Public Prosecutor to supply the correct and complete address of the respondent but no correct and complete address of the respondent could be supplied.

4. In the circumstances, we are left with no option, but to dismiss the Criminal Application for condonation of delay for want of prosecution.

(R.M. LODHA,J.)

(R.S. MOHITE,J.)